

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 12-16, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
7-12	OPP	91150456	Brainworks, Inc. v. Brainworks LLC	Simms Chapman* Drost	2(d)	Opposition Sustained	"BRAINWORKS" [<i>a variety of goods and services, including educational testing and consulting services</i>]	"BRAINWORKS" [therapy and rehabilitation services, namely, biofeedback and neurofeedback services]			No
7-13	EX	76155361	Casino Data Systems	Hanak* Walters Chapman	2(e)(1)	Refusal Affirmed		"DOUBLE ACEY DEUCEY" [gaming machines and computer software therefor]		Micheli	No
7-13	EX	76339812	BioArray Solutions, Ltd.	Hohein Walters Chapman*	2(e)(1); whether applicant's recitation of services in Class 35 is sufficiently definite	Refusal Affirmed under 2(e)(1) as to both classes, and requirement for a more definite recitation of services in Class 35 affirmed		"ARRAY CYTOMETRY" [<i>in Class 1</i> : preparations for scientific and research use, namely, biological or biotechnical arrays and assemblies of constituents of biological cells, methods, tests, and kits comprising the foregoing; <i>and other goods in Class 35</i> : distribution of services in the field of biological and biotechnical arrays and assemblies of constituents of biological cells, methods, tests, kits or apparatus therefor; <i>etc.</i>]		Michos	No
7-13	EX	76335229	Indek Corp.	Hanak Walters Holtzman*	2(d)	Refusal Affirmed		"THERM-A-PAD" (in design format) [non-chemical silicon rubber treatments for thermal management of computer parts]	"THERMAPAD" [silicone rubber press pads for use with electronics manufacturing equipment]	I. A. Clarke	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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7-14	EX	78193396	Aviation Technology Group, Inc.	Simms Hohein* Bucher	2(d) as to goods in Class 12; whether applicant's amended recitation of goods and services, by which it added the recited goods and services in Classes 9 and 41, exceeds the scope of its identification of goods as originally recited in Class 12	Refusal Affirmed as to all three classes of goods and services		"ATG AVIATION TECHNOLOGY GROUP, INC." (and design) [<i>in Class 9</i> : simulators for training pilots; <i>in Class 12</i> : aircraft, jet aircraft, military manned and unmanned combat aircraft, civilian and military jet trainers and business and recreational jets; <i>in Class 41</i> : aircraft pilot training services]	"ATG" and "ATG" (and design) [<i>both marks for</i> aircraft, lighter-than-air craft, airships, dirigible balloons, aerial transportation vehicles, structural parts and fittings for the above, <i>and other goods</i>]	Adkins	No
7-14	EX	76303240	Double Cross Poker LLC	Hohein Hairston* Chapman	2(d)	Refusal Affirmed		"DOUBLE CROSS POKER" [casino table games]	"DOUBLE CROSS" [disposable ticket sets for playing a game of chance]	Richards	No
7-14	EX	76173079	Wiesner Products, Inc.	Hohein Bucher* Holtzman	2(d)	Refusal Affirmed		"IT'S OFF THE HOOK" [socks and hosiery]	"OFF THA HOOK" (in design format) [<i>a variety of clothing items, including socks</i>]	Vanston	No
7-15	EX	76335835	Laser Karaoke, Inc.	Simms Seeherman Holtzman*	2(e)(1)	Refusal Affirmed		"TOP TUNES" (in stylized format) [retail stores and retails store services available via computer for CDs <i>and other audio components</i> for use in karaoke]		Stokols	No

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7-15	EX	76350858	Medusa Film S.p.A.	Seeherman Quinn Bottorff*	2(d)	Refusal Affirmed as to both Class 9 and Class 41 <i>(Note: registra-tion was not refused in Classes 16, 35 and 38)</i>		“MEDUSA EMOTION PICTURE” [<i>in Class 9</i> : video tapes containing works of fiction, namely, movies, TV movies; (<i>and other goods</i>) <i>in Class 41</i> : television and cinema motion picture production; motion picture film production; (<i>and other services</i>)]	“EMOTION PICTURES” (and design) [motion picture film and video tape production services in the areas of corporate training films, original narrative films for broadcast on network and cable, and feature-length motion pictures]	Beverly	No
7-16	EX	78115493	Bsafe Online, Inc.	Simms Hanak* Holtzman	2(d)	Refusal Affirmed		“BSAFE ONLINE” [application service provider featuring software for Internet filtering and reporting thereof, for use by parents and other caregivers of children, schools, churches and other religious affiliates]	“BSAFE” [computer software to integrate cryptographic security features into software applications]	Swain	No

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